HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 5569 of 2002

Dated 04.07.2007

Between:

M.Venkateswara Rao.

...Petitioner

and

The Superintending Engineer and others.

...Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 5569 of 2002

O R D E R:

The petitioner is provided with power supply through Service Connection No.351 of Vissannapeta Village, Krishna District. The premises were inspected on 18.09.2000 and on finding that the meter was not functioning properly, proceedings were initiated for back- billing. Through a show cause notice, dated 13.10.2000, the petitioner was directed to explain as to why a sum of Rs.22,044/- shall not be levied towards back-billing. On the ground that the petitioner did not respond to the notice, the second respondent passed an order, dated 24.04.2001 confirming the levy of Rs.22,044/-. The petitioner preferred an appeal, against the same, before the first respondent. The appeal was dismissed on 31.01.2002, on the ground that the petitioner did not make any deposit along with the memorandum of appeal. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

It is not in dispute that the petitioner is under obligation to deposit half of the amount levied, through the order of final assessment, along with the memorandum of appeal. Unless, the said amount is deposited, the

appeal cannot be entertained. Inasmuch as the petitioner presented the appeal without such deposit, the first respondent rejected the appeal. Therefore, no exception can be taken to it.

Learned counsel for the petitioner submits that the petitioner was not aware of the requirement and he may be given an opportunity to comply with the condition at this stage. He contends that the petitioner had a reasonably good case on merits.

Having regard to the facts and circumstances of the case, the writ petition is disposed of, directing that in case, the petitioner deposits a further sum of Rs.10,000/- (Rupees Ten Thousand Only) within four (4) weeks from today, in addition to Rs.5,000/- deposited in pursuance of the interim order dated 28.03.2002, the impugned order shall stand set aside and the first respondent shall hear and dispose of the appeal on merits. In case, the petitioner does not comply with this condition, the said order shall remain in force and the writ petition shall stand dismissed. There shall be no order as to costs.

04.07.2007

Note: Issue C.C. in one (1) week.

(B/o)

JSU